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October 7, 2011

VIA ECF

The Honorable E. Thomas Boyle
United States Magistrate Judge
U.S. District Court
for the Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: *Zaretsky v. Maxi-Aids, Inc.*
CV 10-3771 (SJF) (ETB)

Dear Judge Boyle:

We represent Defendants Susan Rubin, Daniel Herrera, Michael D. Solomon and Solomon & Herrera, PLLC (collectively, the "Solomon Defendants") in the above-referenced action. We write to respectfully request that the Court deny the fourth request of Plaintiffs Aaron Berlin and Feige Zaretsky for an extension of time within which to file a completed RICO case statement, and dismiss Plaintiffs' amended complaint with prejudice.

In its August 10, 2011 Order granting Plaintiffs an extension of time to October 1, 2011 within which to file their RICO case statement, the Court stated that "[t]his is the final extension." Additionally, the Court noted that the "pro se plaintiffs' involvement in state court litigation does not constitute 'good cause' for failure to comply with the orders of the Court or for the plaintiffs' failure to diligently prosecute this action." Despite these admonitions, Plaintiffs failed to submit a completed RICO case statement by the October 1, 2011 deadline, and instead contend that "[w]ithout a full victory at the lower court, I believe the instant RICO case will not go very well for us." (October 5, 2011 letter from Plaintiffs to Judge Feuerstein, at 2).

It is therefore clear from Plaintiffs' October 5, 2011 letter that they have no intention of diligently prosecuting this action, and instead, are attempting to delay resolution of this matter until they succeed in overturning the State Court judgment against them. Accordingly, we respectfully request that the Court deny Plaintiffs' request for additional time, and dismiss this action with prejudice.

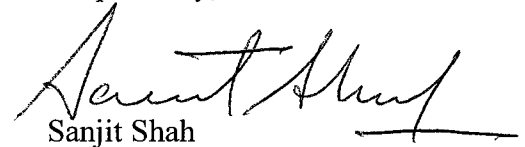
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Having failed to comply with this Court's Orders, and demonstrate that their RICO claim is plausible on its face, Plaintiffs' request to amend their pleading (October 5, 2011 letter, at 2), should be summarily denied.

We thank the Court for its attention to this matter.

Respectfully,


Sanjit Shah

Cc: All counsel of record (via ECF)
Aaron Berlin (by regular mail)
Feige Zaretsky (by regular mail)
David Wacholder (by regular mail)